

MAR 24 2010

IN THE UNITED STATES DISTRICT COURT

at 3 o'clock and 35 min. P.M.
SUE BEITIA, CLERK

FOR THE DISTRICT OF HAWAII

IN THE MATTER OF) ORDER REGARDING AMENDMENT OF THE
THE LOCAL RULES OF PRACTICE) LOCAL RULES OF PRACTICE FOR THE
FOR THE UNITED STATES DISTRICT) UNITED STATES DISTRICT COURT FOR
COURT FOR THE DISTRICT OF) THE DISTRICT OF HAWAII
HAWAII)
_____)

ORDER REGARDING AMENDMENT OF THE LOCAL RULES OF PRACTICE FOR THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Having published proposed amendments for public comment and having reviewed any comment received, this court hereby orders that the Local Rules of Practice for the United States District Court for the District of Hawaii are amended in two respects, effective April 1, 2010, as set forth below. Additions to the two rules are set forth in boldface, underlined type. Deletions to the two rules are set forth in boldface, strike-out type. Replacement pages for the amended rules are attached to this order.

Local Rule 6.1. In relevant part, Local Rule 6.1 is amended to read:

Whenever these rules require papers or documents to be filed "not more than" or "not less than" a designated period after or before a specified event, then the "last day of the period," for purposes of Rule 6(a) of the Federal Rules of Civil Procedure, shall be a business day that is "not more than" or "not less than" a specified period. A "business day" is a day that is not a Saturday, Sunday, legal holiday, or other day on which the clerk's office is closed to the public for in-person business. Because the "last day of the period" is always a business

day, the provision in Rule 6 of the Federal Rules of Civil Procedure governing the calculation of periods that end on Saturday, Sunday, or a legal holiday is inapplicable to time periods set forth in these rules as "not more than" or "not less than" a designated period after or before a specified event.
~~and whenever the outside limit of the designated period is not a business day, such papers or documents shall be filed no later than the previous business day to ensure filing "not more than" or "not less than" the designated period.~~ This local rule is applicable to papers and documents filed electronically and in hard-copy form. For example, if a filing is required not less than 14 days before a hearing and the ~~due date~~ fourteenth day before the hearing is a Saturday, the filing is due on Friday, 15 days before the hearing, assuming that the Friday is a business day.

Local Rule 74.1. In relevant part, Local Rule 6.1 is amended to read:

The appealing party shall file with the clerk, and serve on the magistrate judge and all parties, a written statement of appeal that shall specifically designate the portions of the order, or part thereof, appealed from after having been served with a copy thereof and the basis for such appeal.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 24, 2010.



/s/ Susan Oki Mollway
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE



/s/ David Alan Ezra
DAVID ALAN EZRA
UNITED STATES DISTRICT JUDGE



/s/ J. Michael Seabright
J. MICHAEL SEABRIGHT
UNITED STATES DISTRICT JUDGE

IN THE MATTER OF THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF HAWAII